

## UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

18 MAY 24 AM 9:26

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Priority Mail Express, Label Number, EK 921296402 US, addressed  
to MS DENITA BROWN, 802 16<sup>TH</sup> AVE, MIDDLETOWN, OH  
45044, with a return address of MR DON GATES, 1610 W 60<sup>TH</sup>  
STRT, LA CA 90047.

Case No.

1:18MJ-324

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Priority Mail Express, Label Number, EK 921296402 US (See Attachment "A")

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

Controlled Substances, materials and documents reflecting the distribution of controlled substances through the U.S. Mails, including money and/or monetary instruments paid for controlled substances

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☐ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of: Title 21

Code Section	Offense Description
21 U.S.C. 846	Conspiracy to distribute a controlled substance
21 U.S.C. 841 (a) (1)	Possession with intent to distribute a controlled substance
21 U.S.C. 843 (b)	Use of a Communication Facility

The application is based on these facts:

See attached affidavit of U.S. Postal Inspector Andrew W. Kremer

- ☒ Continued on the attached sheet.  
☐ Delayed notice \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Andrew W. Kremer, United States Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date:

5/24/18



Judge's signature

City and state: Cincinnati, Ohio

Karen L. Litkovitz  
United States Magistrate Judge

Printed name and title

### AFFIDAVIT

I, Andrew W. Kremer, having been duly sworn, depose and state:

1. I am a United States Postal Inspector, having been so employed since May 19, 2012. I am presently assigned to the Cincinnati Field Office, Pittsburgh Division of the United States Postal Inspection Service (USPIS) with investigative responsibility for southwest Ohio and northern Kentucky. Part of my investigative responsibility involves the use of the United States Mail in the illegal transporting of narcotics and other dangerous controlled substances and financial proceeds relating thereto.
2. Your Affiant completed United States Postal Inspection Service Basic Training in May 2012. The training involved narcotic investigation techniques, chemical field tests and training in the detection and identification of controlled substances being transported in the United States Mail. In addition to this formal training, your Affiant has worked since May 2012 with various federal, state and local law enforcement agencies in the investigation of the transportation of illegal drugs and their identification.
3. This Affidavit is made in support of a search warrant for the following property, namely a package associated with the following United States Postal Service (USPS) Priority Mail Express, Label Number:

**a. EK 921296402 US**

as further described in Attachment A. This affidavit is made in support of a warrant to search the package for evidence of a crime as well as contraband, fruits of a crime or other items illegally possessed in relation to the following offenses:

- a. Possession with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, § 841,
- b. Use of a Communication Facility, in violation of Title 21, United States Code, § 843(b), and
- c. Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, § 846.

Because this affidavit is submitted in support of the application of the United States to search the parcel, it does not include every fact known concerning this investigation, I have set forth facts and circumstances that I have relied upon to establish probable cause to justify the issuance of a warrant to search the above-described parcel.

4. Your Affiant has become aware that drug traffickers frequently use Priority Mail Express and/or Priority Mail, services offered by the USPS, to transport narcotics and other dangerous controlled substances. As a result of investigations and successful controlled



substance prosecutions where Priority Mail Express and/or Priority Mail were used, your Affiant has learned of certain characteristics indicative of other Priority Mail Express and/or Priority Mail items previously identified as containing narcotics or other dangerous controlled substances. Some of these characteristics include, but are not necessarily limited to or used on every occasion - false or non-existent return address, addressee is not known to receive mail at the listed delivery address, the package is heavily taped, the package is mailed from a known drug source location, labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanating from the package, and the listed address is located in an area of known or suspected drug activity.

5. On May 23, 2018, during a review of postal mailings, your Affiant intercepted a parcel at the USPS Cincinnati Processing and Distribution Center (P&DC).

The parcel is further described as:

**Priority Mail Express, Label Number:** EK 921296402 US

**Sender:** MR DON GATES  
1610 W 60<sup>TH</sup> STRT  
LA CA 90047

**Addressee:** MS DENITA BROWN  
802 16<sup>TH</sup> AVE  
MIDDLETOWN, OH 45044

6. Observation and USPS tracking information of the above listed Priority Mail Express parcel, by your Affiant indicated it was mailed from the Compton Post Office, Compton, California 90221, however the return address indicates Los Angeles, California 90047.
7. The Consolidated Lead Evaluation and Reporting (CLEAR) database system was researched by your Affiant regarding the listed return address, MR DON GATES, 1610 W 60<sup>TH</sup> STRT, LA CA 90047. CLEAR is a public record data investigative platform available exclusively to law enforcement and other government investigators about people and businesses. The information obtained from the system indicated there is no MR DON GATES associated with that address.
8. The CLEAR database was researched by your Affiant regarding the listed addressee on the package, MS DENITA BROWN, 802 16<sup>TH</sup> AVE, MIDDLETOWN, OH 45044. The information obtained from the system indicated there is no MS DENITA BROWN associated with that address.
9. On May 23, 2018, your Affiant arranged for Officer Mike Harper, Cincinnati Police Department, for a narcotics canine to check the parcel. Officer Harper and his canine "Cairo" are a currently certified narcotics team. The team is certified by the Ohio Peace

Officer Training Commission and the Office of the Attorney General (Ohio). Officer Harper reports that "Cairo" passed all of his examinations and has successfully located hidden drugs in the past, and therefore your Affiant considers "Cairo" to be reliable. On the same date, your Affiant met Officer Harper at the USPIS Office, Cincinnati, Ohio, where the parcel listed above was placed in a separate office among several other similar parcels and presented to narcotic canine, "Cairo", who alerted positively to the presence or odor of a controlled substance upon the USPS parcel described below:

**a. Priority Mail Express, Label Number: EK 921296402 US**

Attached herewith, and incorporated by reference, is a photocopy of the narcotic canine handler's record of examination.

10. Based upon my experience and training, this information, along with the positive alert of narcotic canine "Cairo" is indicative of the parcel containing narcotics or proceeds relating thereof.
11. Based upon the information contained in this affidavit, your Affiant believes that there is probable cause to believe that the parcel described below will contain evidence and/or contraband, fruits of crime, or other items illegally possessed:

**a. Priority Mail Express, Label Number: EK 921296402 US**

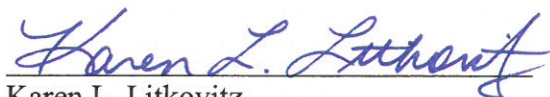
Therefore, a search warrant to open the parcel is requested.

Further, your Affiant sayeth naught.



Andrew W. Kremer  
United States Postal Inspector

Subscribed and sworn to and before me this 24 day of May, 2018



Karen L. Litkovitz  
United States Magistrate Judge

**ATTACHMENT A**  
**PROPERTY TO BE SEARCHED**

The property to be searched is the package associated with **Priority Mail Express, Label Number: EK 921296402 US**, addressed to MS DENITA BROWN, 802 16<sup>TH</sup> AVE, MIDDLETOWN, OH 45044, with a return address of MR DON GATES 1610 W 60<sup>TH</sup> STRT, LA CA 90047.



United States Postal Inspection Service  
Pittsburgh Division

### OFFICER AFFIDAVIT

I, OFFICER MIKE HARPER, AM, AND HAVE BEEN, EMPLOYED BY THE CINCINNATI POLICE DEPARTMENT, SINCE 2001. AMONG OTHER DUTIES, I AM CURRENTLY THE ASSIGNED HANDLER OF NARCOTICS DETECTION CANINE "CAIRO", WHICH IS TRAINED AND CERTIFIED IN THE DETECTION OF THE PRESENCE OR ODOR OF NARCOTICS DESCRIBED AS FOLLOWS:

**Marijuana, Hashish, Cocaine, Heroin, Methamphetamines, Ecstasy**

ON 5/23/2018, AT THE REQUEST OF POSTAL INSPECTOR A.W.KREMER, I RESPONDED TO THE USPIS OFFICE, CINCINNATI, OH, WHERE "CAIRO" DID ALERT TO AND INDICATE UPON THE FOLLOWING DESCRIBED ITEM:

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USPS Priority Mail Express, Label Number: MS DENITA BROWN, 802 18<sup>TH</sup> AVE, MIDDLETOWN, OH 45044, with a return address of MR DON GATES 1610 W 60<sup>TH</sup> STRT, LA CA 90047.

BASED ON MY TRAINING AND EXPERIENCE AND THAT OF "CAIRO", I CONSIDER THE ABOVE DESCRIBED ITEM TO CONTAIN WITHIN OR UPON THE PRESENCE OR ODOR OF A NARCOTIC OR OTHER DANGEROUS CONTROLLED SUBSTANCE.

 5/23/18  
(Signature and Date)